83. (New) The osteoimplant of Claim 82 wherein the elongate bone-derived particles are selected from the group consisting of nondemineralized bone particles, demineralized bone particles and mixtures thereof.

A2 Cancel

84. (New) The osteoimplant of Claim 77 further comprising a biocompatible component selected from the group consisting of biocompatible fluid carrier, filler, fiber, mesh, substance providing radiopacity, plasticizer, biostatic/biocidal agent, surface active agent and bioactive substance.

REMARKS

This amendment responds to the Advisory Action mailed August 16, 2002 and further responds to the final Office Action mailed June 13, 2002. Claims 1-13 and 33-35 have been deleted and new Claims 41-84 have been added. The specification of the application has also been amended to include material from U.S. Application Serial No. 09/211,310, filed December 14, 1998, the contents of which were incorporated by reference into this application (see page 27 of the specification).

Claim 41, one of three independent claims in the newly added claims, is directed to an osteoimplant in the form of a flexible sheet comprising a coherent mass of elongate bone-derived particles possessing a void volume of not greater than about 32%. The second independent claim, Claim 70, is directed to an osteoimplant in the form of a flexible sheet comprising a coherent mass of elongate bone-derived particles, the sheet having a thickness of from about 50 to about 2000 microns. Claim 77, the third

independent claim presented herein, is directed to an osteoimplant comprising a coherent mass of elongate bone-derived particles and a binder, said mass possessing a void volume of not greater than about 32%.

In the final Office Action dated June 13, 2002, the Examiner cited Chen et al. U.S. Patent No. 5,707,962 ("Chen et al.") as anticipating previously pending Claims 1, 3-7, 10-13 and 33-35 under 35 U.S.C. §102(b) and as rendering obvious previously pending Claims 2, 8 and 9 under 35 U.S.C. §103(a).

In their response to the aforesaid Office Action (paper 11 submitted on July 30, 2002), applicants pointed out that Chen et al. contains no express or inherent disclosure of (1) elongate bone particles or (2) a void volume of not greater than about 32%, and thus neither anticipated nor rendered obvious the invention of the previously pending claims. In response, the Examiner issued an Advisory Action asserting that (1) Chen et al. discloses elongate particles because its particles "will not be perfect spheres even after processing" and that (2) Chen et al. discloses "a semi-porous structure which can be construed to have a lowered [sic] void volume than one that is porous, such that 'semi' can be 'about' 32%".

As with the previously pending claims, new Claims 41-84 are similarly directed to osteoimplants comprising *elongate bone-derived particles*, and in the case of most of the new claims (specifically, Claims 41-69 and 77-84), with the osteoimplants possessing a *void volume not greater than about 32%.* It is respectfully submitted that the Examiner is

manifestly in error in asserting that the Chen et al. osteogenic composition contains elongate bone-derived particles and possesses a void volume not greater than about 32%.

The Examiner's comment in the Advisory Action that Chen et al.'s particles may be elongate because they are not all "perfect spheres" implies that anything other than a perfect sphere is an elongated particle. In this view of the matter, such common substances as ordinary table salt, granulated sugar, ground pepper, ground coffee, flour, etc., none of which are made up of "perfect spheres", could be considered "elongated particles". It is highly doubtful that anyone familiar with these and similar particulate materials would consider any of them to be elongated particles. The Examiner's view to the contrary is manifestly an unreasonable one. Indeed, the Examiner's understanding of what is embraced by the term "elongate" is wholly contrary to the dictionary definition of the term (see the entry for "elongate" in Webster's Third New International Dictionary, 1986, p. 737, a copy of which is attached hereto, which defines this term as "having a form notably long in comparison to its width"). Against an unreasonable construction of a claim term, the Board of Patent Appeals and Interferences in *Ex parte Crissy et al.*, 201 U.S.P.Q. 689, 693 (Bd. Pat. App. and Int., 1976) has relied on a dictionary definition to ascertain the correct and intended meaning of a term. At issue in that case was the proper interpretation of "reciprocative". The Examiner had considered the oscillation of a member about a fixed axis not to be within the definition; the Board of Patent Appeals and Interferences disagreed, noting that the dictionary definition of reciprocate was "to move forward and backward alternatively" which encompassed oscillation. Courts, too, regularly rely on dictionary definitions to construe the ordinary meaning of terms recited

in patent claims. *See e.g., Cybor Corp. v. FAS Technologies, Inc.*, 138 F.3d 1448, 1459, 46 U.S.P.Q.2d 1169, 1177 (Fed. Cir. 1998); *Sage Products, Inc. v. Devon Indus., Inc.*, 126 F.3d 1420, 1430-1431, 44 U.S.P.Q.2d 1103, 1113 (Fed. Cir. 1997); *American Permahedge, Inc. v. Barcana, Inc.*, 105 F.3d 1441, 1444, 41 U.S.P.Q.2d 1614, 1616 (Fed. Cir. 1997); *Cole v. Kimberly-Clark Corp.*, 102 F.3d 524, 531, 41 U.S.P.Q.2d 1001, 1006 (Fed. Cir. 1996).

Furthermore, the application goes into considerable detail in describing specific embodiments of elongate bone particles. Thus, for example, as set forth in applicants' specification, "elongate" bone particles possess relatively high median length to median thickness ratios. The specification notes that applicants' elongate bone particles possess a median length of from about 2 to about 200 mm or more and preferably from about 10 to about 100 mm, a median thickness of from about 0.05 to about 2 mm and preferably from about 0.2 to about 1 mm, and a median width of from about 1 mm to about 20 mm and preferably from about 2 to about 5 mm. The elongate bone particles thus can possess a median length to median thickness ratio of at least about 50:1 up to about 500:1 or more, preferably from about 50:1 to about 100:1, and a median length to median width ratio of from about 10:1 to about 200:1 and preferably from about 50:1 to about 100:1. Federal Circuit precedent clearly requires that claims are not to be interpreted in a vacuum, but are read, interpreted and understood in view of the specification of which they are a part. *See C.R. Bard Inc. v. M3 Systems Inc.*, 157 F.3d 1340, 1350, 48 U.S.P.Q. 1225, 1230 (Fed Cir. 1998) (citing *Slimfold Mfg. Co. v. Kinkead Indus. Inc.*, 810 F.2d 1113, 1116, 1 U.S.P.Q. 2d 1563, 1566 (Federal Cir. 1987).

It is the elongate nature of applicants' bone-derived particles which allows them to form a coherent mass. The coherent mass can be formed by mechanical adherence of the elongate bone-derived particles (as recited in new Claims 55 and 79), specifically by entanglement with each other (as recited in new Claims 56 and 80).

Contrary to the Examiner's position, nothing is said in Chen et al. regarding the shape of the demineralized bone "particles". The Chen et al. examples illustrate a product produced from collagen and demineralized bone particles (Examples 1 and 2), where a thick slurry of the combined materials is blended in a Waring Blender. Thus, even if elongate demineralized bone particles were originally present in the slurry (Chen et al. is completely silent on this point), they would have been broken up or chopped into particles possessing roughly the same dimensions of length, width and thickness, i.e., *non-elongate particles*, before the final product (a sponge) was formed. Clearly, the particles of Chen et al. would not possess a form "notably long in comparison to its width" as authoritatively defined in the attached dictionary entry.[1]

Thus, Chen et al. fails to anticipate or render obvious the subject matter of new Claims 41-84 all of which require elongate bone-derived particles.

With respect to the Examiner's assertion in the Advisory Action that Chen et al.'s disclosure of a semi-porous structure can be construed to have a lower void volume than one that is porous, such that "semi" can be "about" 32%, the Examiner's position ignores

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[1] Not only is Chen et al. silent about the size and shape of its particles, it refers to Jefferies U.S. Patent Nos. 4,394,370 and 4,472,840, each of which disclose in Example 1 bone particles of less than 75 millimicrons.

the fact that there is no disclosure in Chen et al., express or inherent, limiting the void volume to *not greater* than about 32%.

In the claims of the subject application, the recitation of less than about 32% pore volume relates directly to the improved properties of the osteoimplant and is a critical limitation thereof. Thus, in table 5 of the application, an implant prepared in accordance with the prior art (and containing a void volume considerably in excess of applicants' claimed maximum) had a much increased tendency to at least partially return to its original bent configuration than an implant prepared in accordance with the claimed invention. Applicants' implant for the most part exhibited no such tendency, or "memory". The advantage of a flexible membrane which exhibits little if any memory is that it will tend to remain conformed to the shape of the site where it is implanted, a desirable characteristic for many kinds of orthopedic surgical procedures.

For the Examiner's position to have any merit, Chen et al. would have to inherently disclose a void volume *necessarily* not greater than about 32 %. The doctrine of inherency holds that a property is necessarily present, given the nature of the disclosure, and is therefore disclosed even though the reference makes no express mention of the property. "If the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if that element is 'inherent' in its disclosure. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950-51 (Fed. Cir. 1999) (quoting

Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991). Inherency is not, however, "established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Continental Can,* 948 F.2d at 1269, 20 U.S.P.Q.2d at 1749 (quoting *In re Oelrich*, 666 F.2d 578, 581, 212 U.S.P.Q. 323, 326 (C.C.P.A. 1981). As is clear from the above authoritative pronouncements of the Federal Circuit and its predecessor court, the Court of Customs and Patent Appeals, there is no such thing as inherency "to some extent". Either the "not greater than about 32 %" void volume limitation of the claims is inherently disclosed in Chen et al. or it is not disclosed at all.

In the final Office Action the Examiner placed the burden on applicants to demonstrate that Chen et al.'s osteogenic composition does not possess a void volume of less than 32%. This attempt to shift the burden to applicants is wholly inappropriate and contrary to Board of Patent Appeals and Interferences precedent, as the Examiner has provided no reasonable support for his determination that a void volume *necessarily* not greater than about 32 % *is present* in the porous or semi-porous matrix which is the primary component of Chen et al.'s osteogenic composition.

In *Ex parte Levy,* 17 U.S.P.Q.2d 1461 (Bd. Pat. App. & Inter. 1990), the applicant's invention was directed to a biaxially oriented, flexible dilation catheter balloon. The Examiner, in rejecting the claims, applied a U.S. patent to Schjeldahl which disclosed injection molding a tubular preform and then injecting air into the preform to expand it against a mold. While the reference did not directly state that the end product balloon was biaxially oriented, it did disclose that the balloon was "formed from a thin

flexible inelastic, high tensile strength, biaxially oriented synthetic plastic material." *Id.* at 1462 (emphasis in original). Using this disclosure, the Examiner argued that Schjeldahl's balloon was inherently biaxially oriented and that since the Patent and Trademark Office lacked the necessary laboratory equipment for testing, the burden shifted to the applicant to demonstrate Schjeldahl's balloon was not biaxially oriented. The Board of Patent Appeals and Interferences rejected this argument as follows: "the initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention rests upon the examiner. In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Id.* at 1463-1464 (emphasis in original) (citations omitted). The Board of Patent Appeals and Interferences concluded the Examiner had not discharged his initial burden and reversed the rejection because the Examiner did not provide objective evidence or cogent technical reasoning to support the conclusion of inherency.

The Board of Patent Appeals and Interferences reached a similar conclusion in *Ex parte Skinner*, 2 U.S.P.Q.2d 1788 (Bd. Pat. App. & Inter. 1986). In *Skinner*, the applicant's invention was directed to a mold used to produce plastic articles. The Examiner rejected the claims over a reference to Mizutani, which was directed to a mold used for manufacturing contact lenses, asserting that Mizutani "*may* inherently have the characteristics of the claimed mold." *Id.* at 1789 (emphasis in original). While recognizing that authority existed for an examiner to require an applicant to prove subject

matter in the prior art lacked a purportedly inherent critical functional limitation, the Board of Patent Appeals and Interferences held there was insufficient reason to place such a burden on the applicant, noting that "before an applicant can be put to this burdensome task, the examiner must provide some evidence or scientific reasoning to establish the reasonableness of the examiner's belief that the functional limitation is an inherent characteristic of the prior art." *Id.*

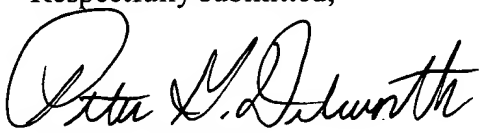
In asserting that Chen et al.'s disclosure of a semi-porous structure can be construed to have a lowered void volume than one that is porous, such that "semi" can be "about" 32%, the Examiner has done no more than present a conclusory allegation regarding a mere possibility. The proper focus is not what "can be" disclosed by Chen et al. but what is, in fact, reasonably disclosed. Nowhere does Chen et al. disclose a void volume necessarily less than about 32%; to the contrary, Chen et al. refer to its product as a "sponge" which is believed to indicate a highly porous material. This is in direct contrast to applicants' osteoimplant which, as Comparative Example 1 demonstrates, has a void volume not greater than about 32 %. If the Examiner persists in his view that a void volume not greater than 32% is inherent in the Chen et al. description, the Examiner is respectfully requested to specifically identify some evidence or scientific reasoning which supports the Examiner's assertion that a void volume not greater than about 32 % is *necessarily* present in Chen et al.'s sponge.

For the reasons noted above, Chen et al. neither anticipates nor renders obvious the limitation in independent Claims 41 and 77 that the osteoimplant possess a void volume of not greater than about 32%.

Finally, with respect to the limitation in independent Claim 70 that the osteoimplant comprise a flexible sheet having a thickness of from about 50 to about 2000 microns, Chen et al.'s sponge in no way anticipates or renders obvious applicants' flexible sheets and their thicknesses.

Accordingly, applicants submit that Chen et al. neither anticipates nor renders obvious newly submitted Claims 41-84. Favorable action on the merits of Claims 41-84 presented herein is requested.

Respectfully submitted,



Peter G. Dilworth
Reg. No. 26,450
Attorney for Applicants

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 228-8484 (tel)
(516) 228-8516 (fax)

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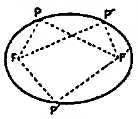
el·liot's pheasant \'elēəts-, -lyəts-\ *n, usu cap E* [prob. after Daniel G. *Elliot* †1915 Am. zoologist] : a large brilliantly colored barred pheasant (*Syrmaticus ellioti*) native to southeastern China where it is highly regarded as a game bird and extensively bred elsewhere as an ornamental

el·lipse \ə'lips, e'-,ē'-\ *n* -s [alter. of *ellipsis*] **1** : an elongated circle : a regular oval; *specif* : a closed plane curve generated by a point so moving that its distance from a fixed point divided by its distance from a fixed line is a positive constant less than 1 **2** : ELLIPSIS

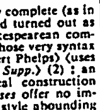


ellipse 1: *F, F'* foci; *P, P', P''* any point on the curve; $FP + PF' = FP' + P'F' = FP'' + P''F'$

el·lip·sis \-psəs\ *n, pl* **ellip·ses** \-p,sēz\ [Gk *elleipsis*, lit., condition of falling short, defect, fr. *elleipein* to leave in, leave out, fall short (fr. *el-* — fr. *en* in — + *leipein* to leave) + *-sis* — more at IN, LOAN] **1** : ELLIPSE **2** [L, fr. Gk *elleipsis*] **a** (1) : omission of one or more words that are obviously understood but must be supplied to make a construction grammatically complete (as in "all had turned out as expected" for "all had turned out as had been expected") ⟨fine examples of Shakespearean compression and ~ —F.R.Leavis⟩ ⟨a writer . . . whose very syntax is warm with the ~ of spoken speech —Robert Phelps⟩ ⟨uses ~ for poetic and comic effects —*Times Lit. Supp.*⟩ (2) : an instance of such omission : a grammatical construction marked by ellipsis ⟨the poem's striking *ellipses* offer no impediment to the reader's ear⟩ ⟨a crisp spare style abounding in *ellipses*⟩ (3) : the practice or use of ellipsis ⟨a writer much given to ~⟩ **b** : omission of an element (as from a train of thought or a speech) either fortuitously or for artistic effect : a leap or sudden passage without logical connectives, from one topic to another ⟨a complicated recital . . . full of grunts and *ellipses* —Hamilton Basso⟩ ⟨~ of both syntax and sense —Robert Browning⟩ **3** : marks or a mark (as . . . or * * * or ——) showing omission of letters, words, or other material — compare SUSPENSION PERIODS

el·lip·so·graph \-psə,graf, -āf\ *n* [*ellipse* + *-o-* + *-graph*] : an instrument used for drawing ellipses

el·lip·soid \-p,sȯid\ *n* -s [F *ellipsoïde*, fr. *ellipse* + *-oïde* -oid] : a surface all plane sections of which are ellipses or circles; *also* : the corresponding solid


ellipsoid

el·lip·soi·dal \ə¦lip¦sȯid°l, e¦-, ē¦-; ¦e(,)lip¦s-\ *adj* **1** : resembling an ellipsoid **2** : having a shape like a round pillow — used esp. of lava

ellipsoidal spotlight *n* : a spotlight used in theatrical lighting that contains an ellipsoidal reflector and that is particularly designed for long throws and is more efficient than conventional spotlights, reflecting rays that others waste

ellipsoid of revolution *math* : a figure generated by the revolution of an ellipse about one of its axes : SPHEROID

el·lip·som·e·ter \ə,lip'sämәd·ə(r), e,-, ē,-, ,e(,)-\ *n* [*ellipse* + *-o-* + *-meter*] : a polarimeter designed esp. for determining the ellipticity of polarized light

el·lip·tic \ə'liptik, (')e¦l-, ē'l-, -tēk\ *or* **el·lip·ti·cal** \-tәkəl, -tēk-\ *adj* [Gk *elleiptikos* defective, elliptic (grammatical sense), fr. (assumed) *elleiptos* (verbal of *elleipein* to leave out, fall short) + *-ikos* -ic, -ical — more at ELLIPSIS] **1** : of, relating to, or shaped like an ellipse ⟨an ~ mirror⟩ ⟨an ~ orbit⟩ — see LEAF illustration **2 a** (1) : of, relating to, or marked by grammatical ellipsis ⟨the clause of comparison is often *elliptical* —G.O. Curme⟩ (2) : of or relating to a statement that is grammatically complete but lacks an element needed to assert a definite proposition ⟨"the car moves now" is *elliptical* for "the car moves now relatively to the earth" —Arthur Pap⟩ (3) : of or relating to a mark showing omission (as of words) ⟨many authors use brief phrases, separated by three *elliptical* dots —L.E.Bowling⟩ **b** (1) : of, relating to, or marked by a manner of speech or writing characterized by extreme economy of expression or omission of superfluous elements : SUMMARY, BRIEF, CONCISE, CONDENSED ⟨the author in her *elliptical* four-page introduction —B.S.Myers⟩ ⟨concise, even *elliptical* to the verge of obscurity —H.O.Taylor⟩ ⟨listened to them talk, in tight, exclusive groups, with their own peculiar, *elliptical* language —Irwin Shaw⟩ (2) : of, relating to, or marked by a literary style that cultivates a studied obscurity for artistic effect : ENIGMATIC, CRYPTIC, OBLIQUE, OBSCURE ⟨the dialogue between them is stately, ~, and full of dark hints of the metaphysical —Wolcott Gibbs⟩

elliptical galaxy *n* : a galaxy of a generally elliptical shape, from round to lenticular, differing chiefly from other types in having no apparent internal structure or spiral arms — called also *spheroidal galaxy*

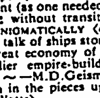
el·lip·ti·cal·ly \-tәk(ә)lē, -tēk-, -li\ *adv* **1** : in an elliptic manner : in the shape or manner of an ellipse ⟨moves ~ about its orbit⟩ **2 a** : with omission of an element (as one needed to complete a train of thought or speech) : without transition or logical connectives : CRYPTICALLY, ENIGMATICALLY ⟨one might go ~ . . . from talk of toothache to talk of ships storm-tossed at sea —K.D.Burke⟩ **b** : with great economy of expression : CONCISELY ⟨this whole earlier empire-building clan . . . is described so eloquently and so ~ —M.D.Geismar⟩ **c** : in a passing or tangential way ⟨even in the pieces upon which he impinges most ~ —Richard Watts⟩

el·lip·ti·cal·ness \-kəlnəs\ *n* -es : the quality or state of being elliptical

elliptical projection *n* : a map of the earth's surface upon the interior of an ellipse

elliptical stern *n* : an overhanging ship's stern in which the part above the knuckle line (as the bulwark) is of conical form with a rake aft

elliptic arch *n* : an arch whose intrados is or approximates an ellipse


elliptic arch

elliptic compass *n* : ELLIPSOGRAPH

elliptic gear *n* : a change gear consisting of a pair of equal gear wheels which are elliptical in shape and each of which rotates around one of its foci

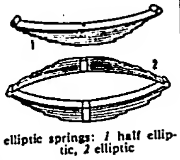
elliptic geometry *n* : geometry that adopts all of Euclid's axioms except the parallel axiom which is replaced by the axiom that through a point in a plane there pass no lines that do not intersect a given line in the plane

elliptic integral *n* : the integral as to *x* of a function rational in *x* and the square root of a polynomial of third or fourth degree in *x*

el·lip·tic·i·ty \ə,lip'tisəd·ē, e,-, ē,-, ,e(,)-\ *n* -es **1** : deviation of an ellipse or a spheroid from the form of a circle or a sphere **2** : the difference between the equatorial and polar semidiameters, divided by the equatorial or occas. by the polar — used esp. in ref. to the figure of the earth ⟨the ~ of the earth is approximately 1/300⟩

elliptic-lanceolate *adj, bot* : intermediate between elliptic and lanceolate

elliptic spring *or* **elliptical spring** *n* : a spring composed of laminated steel plates and having an elliptical shape



elliptic springs: *1* half elliptic, *2* elliptic

el·lip·to·cyte \ə'liptə,sīt, e'-, ē'-\ *n* -s [ISV *elliptic* + *-o-* + *-cyte*] : an elliptical red blood cell : OVALOCYTE

el·lip·to·cy·to·sis \-,-,-,sī'tōsəs\ *n, pl* **elliptocyto·ses** \-ō,sēz\ [NL, fr. ISV *elliptocyte* + NL *-osis*] : OVALOCYTOSIS

el·lo·bi·idae \,elə'bīə,dē\ *n pl, cap* [NL, fr. *Ellobium*, type genus + *-idae*] : a family of pulmonate snails that have a conoidal shell with a strongly toothed ear-shaped aperture and that are widely distributed in salt marshes chiefly along tropical and subtropical shores

el·lo·bi·um \ə'lōbēəm, e'-\ *n, cap* [NL, fr. Gk *ellobion* that which is in the lobe of the ear, earring, fr. *el-* (fr. *en* in) + *lobos* lobe + *-ion* (dim. suffix) — more at IN, LOBE] : the type genus of Ellobiidae

el·lops \'e,läps\ *n, pl* **ellops** *or* **ellopses** [Gk *ellops*, *elops*, a fish — more at ELOPS] : ELOPS

ells *pl of* ELL

ellul *usu cap, var of* ELUL

ell·wand \'elwən(d)\ *n* [ME *elenwand*, *elle wande*, *el wande*, fr. *eln*, *ellen*, *elle* ell + *wand* — more at ELL] *Scot* : a measuring rod one ell long

elm \'elm, 'eùm, *dial or substand* 'eləm\ *n* -s *often attrib* [ME, fr. OE; akin to OHG *elme*, *elm* elm, ON *almr*, L *ulmus*, MIr *lem* elm, and perh. to L *alnus* alder — more at ALDER] **1 a** : a tree of the genus *Ulmus* — see ROCK ELM, SIBERIAN ELM, SLIPPERY ELM — see TREE illustration **b** : the hard tough wood of this tree used extensively for implements, furniture, and barrel hoops **2** : any of various chiefly Australian and West Indian trees or shrubs having foliage resembling that of members of the genus *Ulmus*

el man·su·ra \¦el,man¦sùrə\ *adj, usu cap E&M* [fr. *El Mansura*, Egypt] : of or from the city of El Mansura, Egypt : of the kind or style prevalent in El Mansura

elm bark *n* : SLIPPERY ELM 1c

elm bark beetle *n* : either of two beetles that are vectors of the fungus which causes Dutch elm disease: **a** : a native beetle (*Hylurgopinus rufipes*) of eastern No. America **b** : a smaller European beetle (*Scolytus multistriatus*) that has become established in the same part of the New World

elm blight *n* : DUTCH ELM DISEASE

elm borer *n* : any of several beetles having larvae that bore into the elm; *esp* : a rather large hairy longicorn beetle (*Saperda tridentata*) of the eastern U.S.

elm calligrapha *n* : a coppery green and yellow calligrapha (*Calligrapha scalaris*) that often feeds on the foliage of elm

elm·en \'elmən\ *adj* [ME *elmyn*, fr. *elm* + *-yn* -en] *dial Eng* : relating to or made of wood from an elm tree

el·men·dorf test \'elmən,dȯrf-\ *n, usu cap E* [after Armin *Elmendorf* b1890 Am. mechanical engineer, its inventor] : a standard test for the tearing strength of paper

el·men·tei·tan \¦elmən-¦tāt°n\ *adj, usu cap* [*Elmenteita* Lake, Kenya + E *-an*] : of or relating to an early Neolithic or Mesolithic culture of eastern Africa characterized by obsidian microliths

elm family *n* : ULMACEAE

elm green *n* : a moderate olive green that is slightly lighter than forest green (sense 2), yellower, lighter, and stronger than cypress, and greener and stronger than Lincoln green

el·min·i·us \el'minēəs\ *n, cap* [NL] : a genus of acorn barnacles native to the southern hemisphere but including one form (*E. modestus*) that has recently become established on the English coast where it is a pest of oyster beds

el·mi·ra system \el'mīrə-\ *n, usu cap E* [fr. *Elmira*, N.Y., where the system was adopted in a reformatory in 1876] : a system of penology based on the indeterminate sentence with possible commutation

elm leaf beetle *n* : a small orange-yellow black-striped Old World chrysomelid beetle (*Pyrrhalta luteola*) that is long established in eastern No. America and is both as adult and larva a leaf-eating pest on elm

elm phloem necrosis *n* : PHLOEM NECROSIS c

elm sawfly *n* : a large American sawfly (*Cimbex americana*) that has knobbed antennae, orange-tinged tarsi, black head and thorax with somewhat lighter, spotted abdomen, and smoke brown wings, and produces yellowish or greenish white larvae with a dorsal black stripe which are vigorous defoliators chiefly of elm and willow

elm scale *or* **elm scurfy scale** *n* : any of several scales that feed on elm trees; *esp* : a widely distributed scale (*Chionaspis americana*) of eastern No. America that feeds on elm and hackberry and has the female covered by a dull white scale often darkened anteriorly by secretion

elm tea *n* : an infusion prepared from slippery-elm bark that is used as a demulcent

elm water *n* **1** : a decoction of slippery-elm bark **2** : a watery exudation from the galls of the English elm

elmy \'elmē, 'eùmē\ *adj, sometimes* -ER/-EST : characterized by or abounding in elms

elocular \(')ē+\ *adj* [*e-* + *locular*] : having but one cavity : not divided by a septum : lacking loculi

el·o·cute \'elə,kyüt\ *vb* -ED/-ING/-S [back-formation fr. *elocution*] : DECLAIM ⟨the senator ranted and *elocuted* but made little impression on the crowd⟩ ⟨a frail drama superbly acted, and excellently *elocuted* —*N.Y. Times*⟩

el·o·cu·tion \,elə'kyüshən\ *n* -s [ME *elocucioun*, fr. L *elocution-*, *elocutio*, fr. *elocutus* (past part. of *eloqui* to speak out, orate) + *-ion-*, *-io* -ion — more at ELOQUENT] **1** *archaic* **a** : literary style or expression **b** : impressive writing or style : ELOQUENCE ⟨to express these thoughts with ~ —John Dryden⟩ **2 a** : oratorical, dramatic, or expressive oral delivery ⟨an expert user of ~⟩ **b** : style or manner of speaking ⟨clear concise ~⟩; *sometimes* : an affected or overembellished style or manner of speaking **3** : the art of oratorical or expressive public speaking

el·o·cu·tion·ary \-shə,nerē, -ri\ *adj* : of, relating to, or exhibiting elocution ⟨~ recitals⟩ ⟨an ~ Oxonian delivery —E.R.Bentley⟩

el·o·cu·tion·ist \-sh(ə)nəst\ *n* -s : a person adept in elocution: as **a** : a teacher of elocution **b** : a professional reciter or reader

elo·dea \ə'lōdēə, ,elə'dēə\ *n* [NL, irreg. fr. Gk *helōdēs* marshy — more at HELODES] **1** *cap* : a small genus of submerged aquatic herbs (family Hydrocharitaceae) that are native to No. and So. America and that have leafy stems and small dioecious or polygamous flowers arising from a 2-cleft spathe — see WATERWEED **2** -s : any plant of the genus *Elodea*

eloge \ā'lōzh, ē'lōzh\ *n, pl* **elog·es** \-ōzhəz, -ōzh\ [MF, fr. ML *elogium* (influenced in meaning by ML *eulogium* eulogy), fr. L, maxim, saying, inscription on a tombstone, prob. by folk etymology (influence of L *e-* and Gk *logos* word) fr. Gk *elegeion* elegy — more at EULOGY, LOGIC, ELEGY] **1** *archaic* : ENCOMIUM, EULOGY **2** : a panegyrical funeral oration

el·o·gy \'elōjē, -ləjē\ *also* **elo·gium** \ə'lōj(ē)əm, ē'-,e'-\ *n, pl* **elogies** *also* **elogiums** [in sense 1, fr. L *elogium*; in sense 2 & 3, fr. ML *elogium*] **1** *obs* : an inscription esp. on a tombstone **2** *archaic* : a characterization or biographical sketch esp. in praise **3** *obs* : a funeral oration

elo·him \,elō'hēm, -lō'-, -'him; e'lō,him, ə'-\ *n* [Heb *ĕlōhīm*, pl. of *ĕlōah* god] **1** *cap* : God esp. as conceived of in the Old Testament or in those Old Testament passages where he is designated in the Hebrew text by the word *ĕlōhīm* **2 elohim** *pl, usu cap* : local or minor divinities of the ancient Canaanites and Hebrews

el·o·him·ic \¦elō¦himik\ *adj, cap* : ELOHISTIC 2

elo·hism \'elō,hizəm, -lō,-; e'lō,-, ə'-\ *n* -s *cap* : the religion and worship of Elohim — compare YAHWISM

¹elo·hist \-,(h)əst\ *n* -s *usu cap* [*elohim* + *-ist*] **1** : an author of an Elohistic document **2** *archaic* : a priestly writer

²elohist \"\ *adj, usu cap* : ELOHISTIC

el·o·his·tic \¦elō¦histik\ *adj, usu cap* **1** : of, relating to, or characteristic of one of the supposed ancient biblical sources ⟨*Elohistic* document⟩ **2** : characterized by use in Hebrew of the word *ĕlōhīm* rather than *yahweh* as a designation of God ⟨Psalms 42–83, the *Elohistic* Psalter⟩ **3** : of, or characteristic of, or characterized by worship of God as Elohim rather than as Yahweh

eloign \ə'lȯin, ē'-\ *vt* -ED/-ING/-S [ME *eloynen*, *esloignen*, fr. MF *esloigner*, fr. OF *esloignier*, fr. *es-* (fr. L *ex-*) + *loing* far, fr. L *longe* long, far, adv. fr. *longus* long — more at LONG] **1** *archaic* : to take (oneself) far away **2** *archaic* **a** : to convey to a distance or beyond a legal jurisdiction **b** : CONCEAL ⟨~ goods liable to distress⟩

Elon \'ē,län, -'-\ *trademark* — used for a white soluble powder used as a photographic developer

¹elon·gate \ē'lȯŋ,gāt, ə'- *also* -läŋ- *sometimes* 'ē,-,-; *usu* -ād+V\ *vb* -ED/-ING/-S [LL *elongatus*, past part. of *elongare*, fr. L *e-* + *longus* long] *vt* : to increase the length of : stretch out : LENGTHEN ⟨he *elongated* his face as he heard their story⟩ ⟨the British *elongating* their defense program —*Economist*⟩ ~ *vi* : to grow in length : LENGTHEN — used esp. of plants and their parts ⟨rapidly *elongating* internodes⟩ **syn** see EXTEND

²elongate \"\ *adj* [LL *elongatus*, past part.] : stretched out : LENGTHENED; *esp* : having a form notably long in comparison to its width ⟨an ~ tail that tapers to a point —R.E.Coker⟩

³elongate \"\ *vi* -ED/-ING/-S [LL *elongatus*, past part. of *elongare*, fr. L *e-* + *longe* far — more at ELOIGN] **1** *archaic* : to go away : DEPART, RECEDE **2** *archaic, of a celestial body* : to appear to recede from its primary or from a particular point in the sky — compare ELONGATION

elongated *adj* : ELONGATE

elongate nut shell *n* : BEAKED COCKLE

¹elon·ga·tion \(,)ē,lȯŋ'gāshən, ə,- *also* -läŋ-\ *n* -s [ME *elongacioun*, fr. ML *elongation-*, *elongatio*, fr. LL *elongatus* (past part. of *elongare* to withdraw) + L *-ion-*, *-io* -ion] **1 a** : the angular distance of a celestial body from another around which it revolves or from a particular point in the sky ⟨the ~ of a planet from the sun⟩ ⟨the ~ of an eclipsing variable⟩ — see GREATEST ELONGATION **b** : the daily extreme east or west position of a star with reference to the north celestial pole ⟨the ~s of the North Star⟩ **2** *obs* : removal to a distance : REMOTENESS

²elongation \"\ *n* -s [¹*elongate* + *-ion*] **1 a** : a lengthening or state of being lengthened : PROTRACTION, EXTENSION ⟨the ~ of a muscle under tension⟩ ⟨~ of the apex of a plant⟩ **b** : the total deformation in the direction of load or per unit of length caused by a tensile force; *sometimes* : the maximum permanent stretch per unit of original length induced in a body by a force that causes it to break **2** : something that is elongated : PROLONGATION, CONTINUATION ⟨the arm may be considered a specialized ~ of the earlier fin⟩

elongato- *comb form* [*elongate* + *-o-*] : elongated and ⟨*elongato*-ovate⟩

elope \ə'lōp, ē'-\ *vi* -ED/-ING/-S [AF *aloper*, perh. fr. *a-* (fr. OF *es-*, fr. L *ex-*) + MD *lōpen* to run; akin to OE *hlēapan* to leap, jump, run — more at LEAP] **1 a** *of a married woman* : to run away from one's husband with a lover **b** *of an unmarried woman* : to run away from one's home with the unannounced intention of getting married ⟨she *eloped* with her second cousin and they were married in the next state⟩ **c** *of two persons of opposite sex* : to go away secretly with the intention of marrying or establishing a more or less permanent relation of cohabitation ⟨her mother wanted a big wedding but the young people decided to ~⟩ **2** : to run or slip away (as from a mental institution or training school) : ESCAPE, FLEE ⟨he *eloped* from his creditors⟩ — **elope·ment** \-pmənt\ *n* -s

elop·er \-pə(r)\ *n* -s : one that elopes

elops \'e,läps, 'ē,-\ *n* [L, fr. Gk *ellops*, *elops*, a fish; perh. akin to Gk *lepis* scale — more at LEPER] **1** *pl* **elops** *or* **elopses** *obs* : a marine animal sometimes identified as the sturgeon; *also* : SEA SERPENT **2** *cap* [NL, fr. L] : a genus (the type of the family Elopidae) of fishes of the order Isospondyli that are related to the tarpons and contain the ten-pounder (*E. saurus*)

el·o·quence \'eləkwən(t)s *sometimes* -lēk- *or* -lik-\ *n* -s [ME, fr. MF, fr. L *eloquentia*, fr. *eloquent-*, *eloquens* + *-ia* -y] **1 a** : discourse marked by force and persuasiveness suggesting strong feeling or deep sincerity; *esp* : discourse marked by apt and fluent diction and imaginative fervor ⟨the poetry of western nations is ~ in meter —George Santayana⟩ **b** : the art or power of using such discourse ⟨Plato's ~ and moral fervor —G.R.Morrow⟩ **2** : forceful or persuasive usu. oral expressiveness ⟨he convinces himself by the sheer ~ of his own voice —H.J.Laski⟩ ⟨the ~ of the photographs —*Times Lit. Supp.*⟩ **3** *archaic* : RHETORIC

el·o·quent \-nt\ *adj* [ME, fr. MF, fr. L *eloquent-*, *eloquens*, fr. pres. part. of *eloqui* to speak out, fr. *e-* + *loqui* to speak] **1** : adept at skilled easy pleasing communication of a thought, idea, or feeling usu. in a fluent, moving, vivid, or forceful manner ⟨but he was no Emerson, of the grave ~ voice, the noble presence —H.S.Canby⟩ **2** : clearly and forcefully indicative of some feeling, condition, or character ⟨that paternal pressure on his hand was ~ to him how warmly he was beloved —George Meredith⟩ ⟨a tremulous little man in greenish black broadcloth, ~ of continued depression in some village retail trade —A.T.Quiller-Couch⟩ **syn** see EXPRESSIVE, VOCAL

el·o·quent·ly *adv* [ME, fr. *eloquent* + *-ly*] : with eloquence : in an eloquent manner

el·o·quent·ness *n* -es : the quality or state of being eloquent

el·o·the·ri·um \,elə'thirēəm\ [NL, irreg. fr. Gk *helos* marsh + NL *-therium* — more at HELODES] *syn of* ENTELODON

elo·ti·llo \,elō'tē(,)(y)ō\ *n* -s [MexSp, dim. of *elote* ear of green corn, fr. Nahuatl *elotl*] : SQUAWROOT 1

el paso \el'pa(,)sō\ *adj, usu cap E&P* [fr. *El Paso*, Texas] : of or from the city of El Paso, Texas : of the kind or style prevalent in El Paso

el paso·an \el'pasəwən\ *n* -s *cap E&P* [*El Paso*, Texas + E *-an*] : a native or resident of El Paso, Texas

el·paso·lite \el'pasə,līt\ *n* -s [*El Paso* co., Colo. + E *-lite*] : a mineral K_2NaAlF_6 consisting of sodium potassium aluminum fluoride

el·pi·dite \'elpə,dīt\ *n* -s [Sw *elpidit*, fr. Gk *elpid-*, *elpis* hope + Sw *-it* -ite; fr. the expectation of finding other minerals in the same locality — more at VOLUPTUOUS] : a mineral $Na_2ZrSi_6O_{15}.3H_2O$ consisting of a hydrated sodium zirconium silicate

elritch *var of* ELDRITCH

els *pl of* EL

-els *pl of* -EL

el sal·va·dor \el'salvə,dȯ(ə)r, (,)-,--'-\ *adj, usu cap E&S* [fr. *El Salvador*, republic of Central America] : of or from the Republic of El Salvador : of the kind or style prevalent in El Salvador : SALVADORAN

¹else \'els, -lts\ *adv* [ME *elles*, fr. OE; akin to OHG *elles* otherwise, ON *elligar* otherwise, Goth *aljis* other, L *alius* other, *alter* other of two, Gk *allos* other, Arm *ail* other, OE *eall* all — more at ALL] **1 a** : in a different manner ⟨how ~ could he act under the circumstances⟩ : in a different place ⟨here and nowhere ~⟩ : at a different time ⟨Friday isn't convenient for me so when ~ can we meet⟩ **b** : in an additional manner ⟨how ~ can buildings be heated⟩ : in an additional place ⟨where ~ is gold found⟩ : at an additional time ⟨Friday is convenient for one of the two weekly lessons but when ~ can we get together⟩ **2 a** : if the facts are different : if the facts were different : if not : OTHERWISE — often preceded by *or* ⟨do what I tell you, or ~ you will be sorry⟩ and used absolutely without a following clause to express a threat of unspecified but presumably dire consequences ⟨do what I tell you or ~⟩ **b** : whether it is not so ⟨house, land, money are things obtainable . . . by clever headwork: ask my father ~ —Robert Browning⟩ **c** : apart from that : with the exception of that ⟨a tower of refuge built for the ~ forlorn —William Wordsworth⟩

²else \"\ *adj* [ME *elles*, fr. *elles*, adv.] : OTHER: **a** : being different in identity ⟨nothing ~ but the best will do⟩ ⟨such decisions are to be made by the commanding officer and no one ~⟩ **b** : being in addition ⟨what ~ did he say⟩ ⟨did you meet anyone ~⟩ — now usu. used with a preceding pronoun; followed by the possessive ending *'s* when the combination of the pronoun and *else* is in the possessive case dependent on an immediately following noun ⟨somebody ~'s house⟩ ⟨I don't know who ~'s hat it could be⟩ and usu. also when not dependent on an immediately following noun ⟨it couldn't be anybody ~'s⟩ ⟨I don't know who ~'s it could be⟩ ⟨I don't know whose ~ it could be⟩

elseways \'-,-\ *adv* [¹*else* + *-ways*] *dial* : OTHERWISE

elsewhence \'-,-, -'-\ *adv* [¹*else* + *whence*] : from another quarter

else·where \'el(t)s,(h)we(ə)r, -wa(ə)r, -ə, -'-\ *also* **else·wheres** \-(ə)rz, -ez\ *adv* [ME *elleswher*, fr. OE *elles hwǣr*, fr. *elles* else + *hwǣr* where — more at ELSE, WHERE] : in or to some or any other place ⟨it is found in town and ~⟩ ⟨we went ~ for dinner⟩ ⟨~ he mentions his dependence on his mother⟩

elsewhither \'-,-, -'-\ *adv* [ME *elleswhider*, fr. OE *elles hwider*, fr. *elles* else + *hwider* whither — more at WHITHER] : to some or any other place in a different direction or toward a different objective ⟨his soul aimed ~⟩

elsewise \'-,-, -'-\ *adv* [¹*else* + *-wise*] : OTHERWISE

el·sholt·zia \el'shōltsēə\ *n, cap* [NL, fr. Johann S. *Elsholtz* †1688 Ger. physician and botanist + NL *-ia*] : a genus of chiefly Asiatic aromatic herbs (family Labiatae) with blue or purple flowers in one-sided spikes

el·sin *or* **el·shin** *or* **el·son** \'els(h)ən\ *n* -s [ME *elsen*, prob.